

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VICTORIA A. AMELINA, an individual; and A.A., D. S and B.S., each individuals and minors by and through their Guardian Ad Litem, Victoria A. Amelina,

Plaintiffs,

v.

MANUFACTURERS AND TRADERS TRUST COMPANY aka M&T BANK, SAFEGUARD PROPERTIES, LLC, and THE WOLF LAW FIRM, A Law Corporation,

Defendants.

Case No.: 3:14-cv-01906-WQH-NLS

**SCHEDULING ORDER
REGULATING DISCOVERY
AND OTHER PRE-TRIAL
PROCEEDINGS**

Pursuant to Rule 16.1(d) of the Local Rules, a Case Management Conference was held on October 18, 2016. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing, **IT IS HEREBY ORDERED:**

1. Any motion to join other parties, to amend the pleadings, or to file additional pleadings shall be filed by October 31, 2016.

1 2. The parties' motion for entry of a stipulated protective order must be filed by
 2 **October 31, 2016.**

3 3. By **January 6, 2017**, the parties must meet and confer to discuss scheduling
 4 an early settlement conference before any IMEs or expert discovery on damages is
 5 conducted. The parties may jointly contact the undersigned's chambers to request to
 6 schedule that early settlement conference.

7 4. All fact discovery shall be completed by all parties by **March 31, 2017**.
 8 "Completed" means that all discovery under Rules 30-36 of the Federal Rules of Civil
 9 Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period
 10 of time in advance of the cut-off date, **so that it may be completed** by the cut-off date,
 11 taking into account the times for service, notice and response as set forth in the Federal
 12 Rules of Civil Procedure. **Counsel shall promptly and in good faith meet and confer**
 13 **with regard to all discovery disputes in compliance with Local Rule 26.1(a)**. The
 14 Court expects counsel to make every effort to resolve all disputes without court
 15 intervention through the meet and confer process. If the parties reach an impasse on any
 16 discovery issue, counsel shall file an appropriate motion within the time limit and
 17 procedures outlined in the undersigned magistrate judge's chambers rules. **A failure to**
 18 **comply in this regard will result in a waiver of a party's discovery issue. Absent an**
 19 **order of the court, no stipulation continuing or altering this requirement will be**
 20 **recognized by the court.**

21 5. The parties shall designate their respective experts in writing by **April 28,**
 22 **2017**. The parties must identify any person who may be used at trial to present evidence
 23 pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This requirement is not limited to
 24 retained experts. The date for exchange of rebuttal experts shall be by **May 19, 2017**.
 25 The written designations shall include the name, address and telephone number of the
 26 expert and a reasonable summary of the testimony the expert is expected to provide. The
 27 list shall also include the normal rates the expert charges for deposition and trial
 28 testimony.

1 6. By April 28, 2017, each party shall comply with the disclosure provisions in
 2 Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure. This disclosure
 3 requirement applies to all persons retained or specially employed to provide expert
 4 testimony, or whose duties as an employee of the party regularly involve the giving of
 5 expert testimony. **Except as provided in the paragraph below, any party that fails to**
 6 **make these disclosures shall not, absent substantial justification, be permitted to use**
 7 **evidence or testimony not disclosed at any hearing or at the time of trial. In**
 8 **addition, the Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c).**

9 7. Any party shall supplement its disclosure regarding contradictory or rebuttal
 10 evidence under Fed. R. Civ. P. 26(a)(2)(D) by May 19, 2017.

11 8. All expert discovery shall be completed by all parties by June 19, 2017.
 12 The parties shall comply with the same procedures set forth in the paragraph governing
 13 fact discovery.

14 9. Failure to comply with this section or any other discovery order of the court
 15 may result in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on
 16 the introduction of experts or other designated matters in evidence.

17 10. All other pretrial motions must be filed by July 21, 2017. Counsel for the
 18 moving party must obtain a motion hearing date from the law clerk of the judge who will
 19 hear the motion. The period of time between the date you request a motion date and the
 20 hearing date may vary from one district judge to another. Please plan accordingly.
 21 Failure to make a timely request for a motion date may result in the motion not being
 22 heard. Motions in limine are to be filed as directed in the Local Rules, or as otherwise set
 23 by the district judge.

24 11. A Mandatory Settlement Conference shall be conducted on September 13,
 25 2017 at 2:30 p.m. in the chambers of Magistrate Judge **Nita L. Stormes**. Counsel or any
 26 party representing himself or herself shall submit confidential settlement briefs directly to
 27 chambers by September 6, 2017. All parties are ordered to read and to fully comply
 28 with the Chamber Rules of the assigned magistrate judge.

1 12. In jury trial cases before Judge Hayes, neither party is required to file
2 Memoranda of Contentions of Fact and Law.

3 13. Counsel shall comply with the pre-trial disclosure requirements of Fed. R.
4 Civ. P. 26(a)(3) by November 3, 2017. Failure to comply with these disclosure
5 requirements could result in evidence preclusion or other sanctions under Fed. R. Civ. P.
6 37.

7 14. Counsel shall meet and take the action required by Local Rule 16.1(f)(4) by
8 November 10, 2017. At this meeting, counsel shall discuss and attempt to enter into
9 stipulations and agreements resulting in simplification of the triable issues. Counsel shall
10 exchange copies and/or display all exhibits other than those to be used for impeachment.
11 The exhibits shall be prepared in accordance with Local Rule 16.1(f)(4)(c). Counsel shall
12 note any objections they have to any other parties' Pretrial Disclosures under Fed. R. Civ.
13 P. 26(a)(3). Counsel shall cooperate in the preparation of the proposed pretrial
14 conference order.

15 15. Counsel for plaintiff will be responsible for preparing the pretrial order and
16 arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). By November
17 17, 2017, plaintiff's counsel must provide opposing counsel with the proposed pretrial
18 order for review and approval. Opposing counsel must communicate promptly with
19 plaintiff's attorney concerning any objections to form or content of the pretrial order, and
20 both parties shall attempt promptly to resolve their differences, if any, concerning the
21 order.

22 16. The Proposed Final Pretrial Conference Order, including objections to any
23 other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and
24 lodged with the assigned district judge by November 24, 2017, and shall be in the form
25 prescribed in and comply with Local Rule 16.1(f)(6).

26 17. The final Pretrial Conference is scheduled on the calendar of the **Honorable**
27 **William Q. Hayes** on December 1, 2017 at 11:00 a.m.

28 18. The parties must review the chambers' rules for the assigned district judge

1 and magistrate judge.

2 19. A post trial settlement conference before a magistrate judge may be held
3 within 30 days of verdict in the case.

4 20. The dates and times set forth herein will not be modified except for good
5 cause shown.

6 21. Briefs or memoranda in support of or in opposition to any pending motion
7 shall not exceed twenty-five (25) pages in length without leave of a district court judge.
8 No reply memorandum shall exceed ten (10) pages without leave of a district court judge.
9 Briefs and memoranda exceeding ten (10) pages in length shall have a table of contents
10 and a table of authorities cited.

11 22. Plaintiff's counsel shall serve a copy of this order on all parties that enter
12 this case hereafter.

13 **IT IS SO ORDERED.**

14 Dated: October 19, 2016



15
16 Hon. Nita L. Stormes
17 United States Magistrate Judge

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